

## REMARKS

Claims 3, 5, 7-9, and 11-27 are pending. Claims 11-24, 26, and 27 are withdrawn from consideration. Claims 3 and 25 were rejected under 35 U.S.C. § 101 and claims 5 and 7-9 were rejected under the judicially created doctrine of obviousness-type double patenting. Applicants address each of these rejections as follows.

### Claim Amendments

Withdrawn claims 11-24, 26, and 27, as well as claims 3 and 25 have been canceled. Claims 5 and 7 have been amended to be directed to the elected invention. The amendments to these claims find support, for example, in canceled claim 3. In addition, new claims 28 and 29 have been added. These claims find support, for example, at page 43, line 4, to page 45, line 1, of the specification. No new matter has been added by this amendment.

### Rejection under 35 U.S.C. § 101

Claims 3 and 25 were rejected under 35 U.S.C. § 101 as being directed to the same invention as that of claim 6 of U.S. Patent No. 6,197,948. Claims 3 and 25 have been canceled and this rejection, therefore, is moot.

Rejection under the judicially created doctrine of obviousness-type double patenting

Claims 5 and 7-9 were rejected under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 5-6 of U.S. Patent No. 6,197,948 in view of Le Gall et al. (Plant Science 102:161-170, 1994). Applicants submit that, in view of the concurrently filed Terminal Disclaimer, this rejection should be withdrawn.

## CONCLUSION

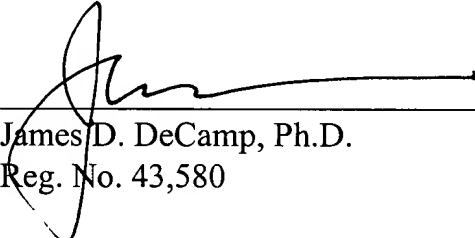
Applicants submit that this application is in condition for allowance and this action is hereby respectfully requested.

Enclosed are a Petition to extend the period for replying to the Office Action for one month, to and including March 19, 2004, and a check in payment of the required extension fee. In addition, pursuant to 37 C.F.R. § 1.321(b)(4), enclosed is a check for \$110.00 for the fee set forth in 37 C.F.R. § 1.20(d) for filing the Terminal Disclaimer.

If there are any other charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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